



The Comptroller General
of the United States

Washington, D.C. 20548

Relach - FC

Decision

Matter of: Mattison Machine Works

File: B-228477.2

Date: January 25, 1988

DIGEST

Dismissal of protest is affirmed where protester's comments on contracting agency's report were received in the General Accounting Office (GAO) after the 7-day period for filing comments, even though the protester's comments were mailed to GAO within the 7-day period.

DECISION

Mattison Machine Works requests reconsideration of our dismissal of its protest under request for proposals (RFP) No. DAAA22-87-R-9002, issued by the Department of the Army's Watervliet Arsenal, Watervliet, New York.

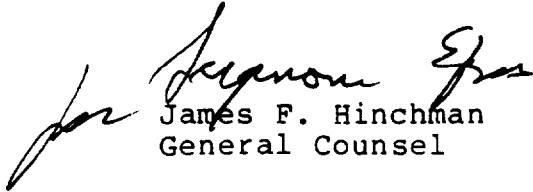
We dismissed the protest because Mattison failed to comply with the requirement of our Bid Protest Regulations in effect at the time that, within 7 working days of its receipt of the agency report on the protest, it file in our Office either its comments on the agency report or a statement requesting that we decide the case on the existing record. 4 C.F.R. § 21.3(e) (1987). Mattison, in its request for reconsideration, now argues that it substantially complied with the filing requirement of our Bid Protest Regulations by mailing its comments prior to the date they were due in our Office. We affirm the dismissal.

Mattison's submission indicates that it received the agency report on November 18, 1987. It therefore was required to file comments with us not later than November 30. We did not receive the comments, however, which were sent by regular mail, until December 2. Although the comments were mailed prior to that date, under our Regulations the

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protester's comments must be filed--that is, received in our Office--within the 7 working-day period. See U.S. Shutter Co.--Reconsideration, B-219952.2, Jan. 15, 1986, 86-1 CPD ¶ 42.

We affirm our prior decision.


James F. Hinchman
General Counsel